

Guernsey Statutory Instrument

1976 No. 13

The Food and Drugs (Food Hygiene) Order,
1976

Made..... 1st April, 1976

Laid before the States.. 28th April, 1976

Coming into operation... 1st April, 1976

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The Food and Drugs (Food Hygiene)
Order, 1976

THE STATES BOARD OF HEALTH, in exercise of the powers conferred upon it by sections thirteen and forty-seven of the Food and Drugs (Guernsey) Law, 1970, as amended(a), and of all other powers enabling it in that behalf, hereby orders:-

PRELIMINARY

1. (1) In this Order unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“aerodrome” has the meaning assigned to it in section one of the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972(c);

“agricultural activity” includes horticulture, fruit growing, dairy farming, the use of land as market gardens and nursery grounds and the breeding and keeping of livestock (including poultry) but not its slaughtering and subsequent processing;

“animal feed” means feed for sale for consumption by animals, fish or birds, but does not include food fit for and commonly used for human consumption;

(a) Ordres en Conseil Vol. XXII, p. 412; No. XIV of 1975.

(b) Ordres en Conseil Vol. IX, p. 386.

(c) Ordre en Conseil No. XXIX of 1972.

- "catering business" means a food business consisting wholly or partly of the supply of food intended by the supplier for immediate consumption;
- "certificate of exemption", in relation to any food premises, stall, delivery vehicle or food building, means a certificate issued by the Board, for the time being in force, in relation to the premises, stall, vehicle or building granted under and in accordance with the provisions of section four of this Order;
- "contamination" includes contamination by odour, and the expression "contaminating" shall be construed accordingly;
- "delivery vehicle" means a vehicle used for the delivery or movement of food in the course of a trade or business, but does not include any vehicle which, being used in a food business falls within the definition of "stall";
- "dock" includes any aerodrome, harbour, moorings, wharf, pier, jetty or other works in or at which food can be shipped or unshipped and any warehouse, transit shed or other premises used in connection therewith for the temporary storage or loading for dispatch of food which is unshipped or to be shipped;
- "equipment" includes apparatus, loading and unloading gear, furnishings and utensils;
- "fish" means uncooked fish (including cured or smoked fish) and includes uncooked whale-meat, and in section fourteen of this Order, but not elsewhere in this Order, includes fish which has been cooked or otherwise prepared for sale by any similar process;
- "food building" means any building, or part of a building, being part of premises and places listed below, in which any person engages in the handling of food or in the

cleaning of equipment used in the handling of food, (except so far as the handling of food there may be in the course of a retail business or in the course of supplying food for immediate consumption) that is to say:—

- (a) any dock;
- (b) any public cold store;
- (c) any premises or place occupied by a carrier of goods for the purposes of his trade or business as such;
- (d) any premises which—
 - (i) are used exclusively for the storage of food manufactured and packed by the occupier thereof; and
 - (ii) are situated outside the curtilage of the premises used for the manufacture or packing of that food; and
 - (iii) are not used for the storage of food other than that contained in containers of such materials and so closed as to exclude the risk of contamination;

“food business” means any trade or business for the purposes of which any person engages in the handling of food, other than a trade or business to which section two of this Order refers;

“food premises” means any premises on or from which there is carried on a food business, but does not include a stall;

“food room” means any room (being, or being part of, any food premises), in which any person engages in the handling of food for the purposes of a food business, but does not include—

- (a) a room used as a sleeping place if the only handling of food which occurs in a room is in the course of serving food there to, or at the request of, any person occupying it as a sleeping place;
- (b) a room communicating with a room used as a sleeping place if the only handling of food which occurs in the room is in the course of serving food there to, or at the request of, any person (not being a person carrying on a food business at the premises which include the room or a person employed by him) by whom the room is occupied as a sleeping place; or
- (c) a day room in a hospital or in a home for the reception of aged or disabled persons;

"the Law" means the Food and Drugs (Guernsey) Law, 1970; "

"market" means a public market under the administration of the States of Guernsey;

"meat" means the flesh (including edible offal and fat) of animals and birds which is sold, or intended for sale for human consumption;

"open food" means food which is not contained in a container of such materials and so closed as to exclude the risk of contamination, but does not include any food mentioned in the first column of the First Schedule to this Order which has been wrapped in the manner described opposite thereto in the second column thereof;

"permitted temperature ranges" means the ranges of temperatures of below 50 degrees Fahrenheit (10 degrees Centigrade) and not

less than 145 degrees Fahrenheit (62.7 degrees Centigrade);

"shipped" includes loading into an aircraft and the expression "unshipped" shall be construed accordingly;

"stall" includes any stand, marquee, tent, mobile canteen, vehicle (whether movable or not), vending machine, site or pitch on or from which there is carried on a food business;

"vending machine" means a coin or token-operated automatic vending machine;

and any other expressions have the same meanings as in the Law.

(2) For the purposes of this Order, references to food shall be construed as—

(a) references to food intended for sale for human consumption and to food the importation, preparation, transport, storage, packaging, wrapping, exposure for sale, service or delivery of which, is intended for sale or sold for human consumption; and

(b) references to food other than milk.

(3) In this Order unless the context otherwise requires, the handling of food means the carrying out, or assisting in the carrying out, for the purposes of a food business of any process or operation in the sale of food or in the preparation, transport, loading, unloading, storage, packaging, wrapping, exposure for sale, service or delivery of food, and includes the cleansing of articles or equipment with which food comes into contact.

(4) For the purposes of this Order, the supply of food, otherwise than by sale at, in or from any place where food is supplied in the course of a business, shall be deemed to be a sale of that

food, and references to purchasing and purchasers shall be construed accordingly; and where in connection with any business in the course of which food is supplied the place where the food is served to the customers is different from the place where the food is consumed, both these places shall be deemed to be places in which food is sold.

(5) In determining for the purposes of this Order whether any matter involves a risk of contamination to any food, regard shall be had to the extent to which such contamination is immaterial because of—

- (a) the nature of the food;
- (b) the manner in which the food is packed; or
- (c) any process to which the food is to be subjected before sale to the consumer, being a process to which food of that nature is normally so subjected.

(6) Any reference in this Order to any other enactment shall, except where the context otherwise requires, be construed as including a reference to that enactment as amended, repealed or replaced, extended or applied by or under any other enactment including this Ordinance.

(7) The Interpretation (Guernsey) Law, 1948(d), shall apply to the interpretation of this Order as it applies to the interpretation of a Guernsey Enactment.

2. Except as provided in section thirty-two of this Order, nothing in this Order shall apply to any trade or business which is an agricultural activity.

Trades or businesses to which this Order does not apply.

3. (1) Nothing in sections eighteen, nineteen, twenty and twenty-two of this Order shall apply in relation to any food premises situated in a market or to any stall from which there is carried on—

Exemption from certain requirements.

- (a) any food business consisting wholly of the preparation and supply of roasted chestnuts or hot potatoes; or
 - (b) any food business consisting of the sale of covered food, where the person carrying on the food business has notified the Board in writing that he is so engaged.
- (2) Nothing in sections eighteen, nineteen, twenty and twenty-two of this Order shall apply—
- (a) in relation to any bread van, or to any delivery vehicle which is carrying no food other than covered food, if it operates from any premises or place at which a satisfactory facility is provided;
 - (b) in relation to any other delivery vehicle if—
 - (i) it operates between premises or places at each of which a satisfactory facility is provided;
 - (ii) that facility is conveniently and readily available, without payment, for the use of persons on that vehicle; and
 - (iii) food on that vehicle is not handled except for purposes of loading or unloading at such premises or places.
- (3) Nothing in sections eighteen, nineteen, twenty, twenty-two and twenty-three of this Order shall apply in relation to any vending machines.
- (4) Nothing in subsections (1), (2), (3) and (4) of section twenty-two of this Order shall apply in relation to any food premises situated in a market, or to any stall from which there is carried on a food business consisting wholly of that of a fruiterer, wholesaler of fruit, greengrocer or wholesaler of raw vegetables, if the person carrying on the food busi-

ness has notified the Board in writing that he is so engaged.

(5) Nothing in section twenty-two of this Order -

- (a) shall apply to any food premises or to any stall on or at which no open food is handled;
- (b) shall require the provision on any stall or on any delivery vehicle of a sink for the washing of soft ice-cream freezers if—
 - (i) such facilities are available at any premises from which the stall or vehicle operates; and
 - (ii) those freezers are not dismantled while in the stall or vehicle, except for purposes of cleaning at any such premises.

(6) For the purposes of this section—

“bread van” means any vehicle used solely for the sale, or offer or exposure for sale, or delivery of bread (wrapped or unwrapped), whether alone or together with flour confectionery or baking goods which are covered;

“covered food” means food which is not open food;

“satisfactory facility”, in relation to a facility referred to in sections eighteen, nineteen, twenty or twenty-two/ of this Order as the case may be, means—

- (a) a facility provided for the purposes of that section; or
- (b) a corresponding facility by reference to a certificate of exemption granted under paragraph 1 or 2 of the Second Schedule to this Order.

Certificates
of exemption.

4. (1) While there is in force in relation to any food premises, stall, delivery vehicle or food building a certificate of exemption to the effect that compliance with any provisions of this Order specified in subsection (6) of this section cannot reasonably be required with respect to those premises or that stall or that vehicle or that building, or to any activities carried on therein, those premises, or that stall or that vehicle or that building shall be exempt from the provisions mentioned in the certificate.

(2) A certificate of exemption shall not be granted by the Board with respect to any food premises, stall, delivery vehicle or food building, unless the Board is satisfied that by reason of restricted accommodation or other special circumstances affecting such premises, stall, vehicle or building it is reasonable that such a certificate should be in force.

(3) A certificate of exemption shall be cancelled by the Board if at any time it ceases to be satisfied as provided in the last preceding subsection.

(4) Any person carrying on a food business aggrieved by the refusal or cancellation of a certificate of exemption may appeal to the Royal Court and that Court may make such order concerning the certificate as appears to the Court, having regard to the matters with respect to which the Board are required to be satisfied as provided in subsection (1) of this section, to be just and equitable.

(5) Section forty-five of the Law shall apply for the purposes of this Order as if references therein to the refusal, cancellation, suspension or revocation, or registration of a licence included references to the refusal or cancellation of a certificate of exemption.

(6) The provisions referred to in subsection (1) of this section are—

- (a) in the case of any food premises, sections eighteen, nineteen, twenty, twenty-one and subsection (2) of section twenty-five of this Order.
- (b) in the case of any stall or delivery vehicle, sections eighteen, nineteen, twenty and twenty-two of this Order.
- (c) in the case of any food building sections eighteen and twenty of this Order.

(7) The provisions of the Second Schedule to this Order shall in respect of the carrying on of a food business from a stall apply in relation to the issue of certificates of exemption from requirements of this Order.

PART II

GENERAL REQUIREMENTS

5. A food business shall not be carried on, in, at or from any place or premises or stall which is insanitary or which is so situated or constructed, or which is in such a condition, that the food is exposed to the risk of contamination; and in the course of a food business a delivery vehicle shall not be used which is insanitary or which is so constructed, or is in such a condition, that the food is exposed to the risk of contamination.

6. (1) The walls, floors, doors, windows, ceiling, woodwork and all other parts of the structure of every food room shall be kept clean and shall be kept in such good order, repair and condition as to—

- (a) enable them to be effectively cleaned; and

Food business not to be carried on at insanitary place, premises, stalls or delivery vehicles.

Cleanliness and repair of food rooms, stalls and delivery vehicles.

- (b) prevent, so far as is reasonably practicable, any risk of infestation by rats, mice, insects or other pests.

(2) Every stall and every delivery vehicle shall be kept clean and in such good order, repair and condition as to enable it to be effectively cleaned.

(3) The internal surfaces of every room used for food storage or food handling in a public cold store and, in every other food building, those parts of the internal surfaces on which, against which, or in proximity to which food is deposited shall be kept clean.

Cleanliness
of articles
or equip-
ment.

7. (1) All articles or equipment with which food comes into contact, or is liable to come into contact, in the course of a food business shall be kept clean, and with the exception of non-returnable containers, shall be so constructed, be of such materials and be kept in such good order, repair and condition as to—

- (a) enable them to be thoroughly cleaned;
- (b) prevent, so far as is reasonably practicable, any matter being absorbed by them; and
- (c) prevent, as far as is reasonably practicable, any risk of contamination of the food.

(2) Without prejudice to the provisions of the last preceding subsection, all containers intended for containing food in the course of a food business, whether or not they come into contact, or are liable to come into contact, with food, shall, so far as is reasonably practicable, be protected and kept free from contamination.

(3) In determining for the purposes of this section whether any article or equipment is clean, regard shall be had to the nature and packing of

the food for which the article or equipment is required and to the use which is made of the article or equipment.

8. No refuse or filth, whether solid or liquid, shall be deposited or allowed to accumulate in a food room or at any stall or in any market on or from which a food business is carried on or on any delivery vehicle or in any food building, except so far as may be necessary for the proper carrying on of the trade or business.

Accumulation of refuse.

PART III

REQUIREMENTS RELATING TO FOOD HANDLERS AND HANDLING OF FOOD

9. Any person who engages in the handling of food shall, while so engaged, take all such steps as may be reasonably necessary to protect the food from risk of contamination, and in particular, but without prejudice to the generality of the foregoing—

Food to be protected from risk of contamination.

- (a) shall not so place the food as to involve any risk of contamination;
- (b) shall, before offering any food for sale, ensure that—
 - (i) any part of the food which is unfit for human consumption is removed;
 - (ii) any food which is unfit for human consumption, unsound or unwholesome, is kept apart from any other food;
- (c) shall not in or about any forecourt, yard, market or stall place any food lower than eighteen inches from the ground unless it is adequately protected from risk of contamination;

- (d) shall ensure where reasonably necessary that open food while exposed for sale or during sale or delivery is kept covered or is otherwise effectively screened from possible sources of contamination;
- (e) shall not keep in any food room or at any stall or on any delivery vehicle any animal feed unless it is in a container of such material and so closed as to prevent the risk of contaminating the food in the room, stall or vehicle:

Provided that the provisions of paragraph (b) of this section shall not apply where food is intended to be sold by wholesale either by sample or description.

**Personal
cleanliness.**

10. Any person who engages in the handling of food, shall while so engaged—

- (a) keep as clean as may be reasonably practicable all parts of his person which are liable to come into contact with the food;
- (b) keep as clean as may be reasonably practicable all parts of his clothing or overclothing which are liable to come into contact with the food;
- (c) keep any open cut or abrasion on any exposed part of his person covered with a suitable waterproof dressing;
- (d) refrain from spitting;
- (e) refrain from the use of tobacco or any other smoking mixture or snuff while he is handling any open food or is in any food room, at any stall or in any delivery vehicle or in any food building, in which there is open food.

11. Any person who engages in the handling of open food, other than raw vegetables, intoxicating liquor or soft drinks, shall while so engaged wear sufficient clean and washable overclothing, and every person who carries meat which is open food and which is liable to come into contact with his neck and head covering shall, while so engaged, also wear a clean and washable neck and head covering:

Persons handling open food to wear over-clothing.

Provided that the provisions of this section shall not apply—

- (a) to a waiter in a catering business; or
- (b) in relation to the transport of food in the course of the business of a carrier in which the vehicle used for the transport of food is not ordinarily so used, if the person carrying the food takes all such other precautions as are reasonable and practicable to prevent the food from coming into contact with any exposed part of his person or with any clothing other than overclothing; or
- (c) to any person so long as he is engaged only in the carrying of unskinned rabbits or hares or unplucked game or poultry.

12. Any person who engages in the handling of food shall not while so engaged—

Carriage and wrapping of food.

- (a) carry any food in a vehicle or in a container together with any article from which there is a risk of contamination of the food, or with any live animal or live poultry, without taking all such precautions as are reasonably practicable to avoid risk of contamination, and in particular, but without prejudice to the generality of the foregoing, shall not allow any live animal or live poultry to come into contact with any open food so carried;

- (b) use for wrapping or containing any open food any paper or other wrapping material or container which is not clean or which is liable to contaminate the food;
- (c) allow any printed material, other than printed material designed exclusively for wrapping or containing food, to come into contact with any food other than uncooked vegetables or unskinned rabbits or hares or unplucked game or poultry.

Persons
suffering
from certain
infections.

13. As soon as any person—

- (a) engaged in any food premises, stall or delivery vehicle in the handling of food; or
- (b) engaged in any food building in the handling of food which is not so packed, or the packing of which is not in such a state, as to prevent any part of the food from coming into contact with any surface which the package may touch;

becomes aware that he is suffering from, or is the carrier of, typhoid, paratyphoid or any other salmonella infection or amoebic or bacillary dysentery or any staphylococcal infection likely to cause food poisoning, he shall without delay inform the person carrying on the food business at the premises, stall or vehicle or the person having control or management of the food building and that person shall without delay notify the Medical Officer of Health accordingly:

Provided that where the person required to give such information is himself the person carrying on the food business or having control or management of the food building he shall give the information to the Medical Officer of Health without delay.

14. (1) The provisions of this section shall apply to all food consisting of meat, fish, gravy or imitation cream, or prepared from or containing any of these substances or any egg or milk, but does not apply to—

Tempera-
ture at
which cer-
tain foods
are to be
kept.

- (a) bread, biscuits, cake or pastry by reason only of the use of egg or milk as an ingredient thereof introduced prior to baking;
- (b) chocolate or sugar confectionery;
- (c) ice-cream to which the provisions of any Order with respect to heat treatment of ice-cream in force under section four of the Law apply;
- (d) food canned, bottled or otherwise preserved in an effectively closed container of metal, glass or other impermeable material, so long as the container remains effectively closed;
- (e) butter, margarine, lard, shortening, cooking fats or beef suet;
- (f) cheese, uncooked bacon, uncooked ham, dry pasta, dry pudding mixes, dry soup mixes or dry mixtures for the preparation of beverages; or
- (g) any unskinned rabbits or hares or unplucked game or poultry.

(2) Subject to the provisions of this section, when food to which this section applies is brought into any food premises, market or stall on or from which there is carried on a catering business, it shall, if its temperature is not already within the permitted temperature ranges, be brought within those ranges without any unavoidable delay after arrival.

(3) Subject to the provisions of this section, food which has been cooked or partly cooked on any food premises, market or stall on or from which is carried

on a catering business and food such as is mentioned in the last preceding subsection shall either be kept at a temperature of not less than 145 degrees Fahrenheit (62.7 degrees Centigrade) until it is required for serving for immediate consumption, or if the temperature is brought or allowed to fall below 145 degrees Fahrenheit (62.7 degrees Centigrade) be cooled to a temperature below 50 degrees Fahrenheit (10 degrees Centigrade) under hygienic conditions as quickly as is reasonably practicable, and thereafter kept below 50 degrees Fahrenheit (10 degrees Centigrade) until it is required for serving or is further cooked or is reheated for service.

(4) Nothing in this section shall apply to—

(a) any food the temperature of which is outside the permitted temperature ranges, so long as—

- (i) the temperature is reached only during any of the following processes, namely, the carrying out of some step in preparation, movement from one part of any food premises, market or stall to another part of such premises, market or stall, or loading and unloading, and
- (ii) on completion of that process it is restored as quickly as possible to the permitted temperature ranges;

(b) any food which is exposed for sale or which, if the food is brought into any food premises, market or stall on or from which there is carried on a catering business within four hours before such premises, market or stall, are open for business, will be exposed for sale upon their being open for that purpose; or

- (c) any food which is kept available for the replenishment as it is sold of food of a similar kind which is exposed for sale or will be exposed for sale as aforesaid if the keeping available of such a supply is in accordance with good practise in such premises, market or stall as aforesaid and the quantity so kept is not greater than is reasonably necessary.

(5) In this section the expression—

“egg” includes whole egg, yolk and albumen whether or not the egg, yolk or albumen is dried, frozen or otherwise preserved; and

“milk” includes cream, separated milk, dried milk and condensed milk.

PART IV

REQUIREMENTS RELATING TO FOOD PREMISES, MARKETS AND STALLS

15. (1) No fresh air intake of any ventilation pipe included in the soil drainage system of any premises shall be situated in a food room or in a food building. Soil drainage system.

(2) Every inlet into any such system situated in any such room or building shall be trapped.

16. No cistern for the supply of water to a food room or a food building shall supply a sanitary convenience otherwise than through an efficient flushing cistern or some other flushing apparatus equally efficient and suitable for the prevention of contamination of water supplies. Cisterns for supplying water to food rooms.

17. (1) Every sanitary convenience situated on, or regularly used in connection with, any food premises, stall or food building— Sanitary conveniences.

- (a) shall be kept clean and in efficient order;
- (b) shall be so placed that no offensive odours therefrom can penetrate into any food room or to any stall.

(2) Any room or other place which contains a sanitary convenience shall be suitably and sufficiently lighted and ventilated and shall be kept clean.

(3) Except in the case of a room to which subsection (5) of this section applies, any room which contains a sanitary convenience shall not be used as a food room.

(4) Except in the case of a room to which the next succeeding subsection applies, any food room or stall which communicates directly with a room or other place which contains a sanitary convenience shall not be used—

- (a) for the handling of open food;
- (b) for the cleaning of equipment for use in any food business in the course of which open food is handled.

(5) Any room in a food building which contains a sanitary convenience shall not be used for the storage or handling of food which is not so packed, or the packing of which is not in such a state, as to prevent any part of the food from coming into contact with any surface which the package may touch.

(6) There shall be fixed and maintained in a prominent and suitable position near every sanitary convenience provided or made regularly available for use by persons employed in the handling of food in or about the premises, stall or building, a clearly legible notice requesting users to wash their hands after using the convenience.

18. (1) Subject to the provisions of section three of this Ord er and of any certificate of exemption a supply of water sufficient in quantity to enable this Ord er to be complied with shall be provided and maintained on all food premises and in connection with every market from which a food business is carried on or on every stall and on every delivery vehicle; and in the case of every food building in or in reasonable proximity to such building.

Supply of water.

(2) Any supply of water provided for the purposes of the last preceding subsection shall—

- (a) be clean and wholesome;
- (b) be constant, if the provision of a constant supply is reasonably practicable.

19. (1) Subject to the provisions of section three of this Ord er and of any certificate of exemption there shall be provided on all food premises and at every stall and on every delivery vehicle and in the case of every food building where food such as is mentioned in subsection (6) of this section is handled, suitable and sufficient wash-hand basins for the use of all persons engaged in the handling of food in or about those premises or stall or vehicle or building; and such basins shall be placed and maintained in a position conveniently accessible to such persons.

Wash-hand basins to be provided.

(2) There shall be provided and maintained for every such wash-hand basin an adequate supply of hot and cold water or of hot water at a suitably controlled temperature; or in the case of food premises, stalls, delivery vehicles and food buildings where no open food is handled, of cold water.

(3) At or near every such wash-hand basin there shall be provided and maintained for the use of persons engaged in the handling of food, adequate

supplies of soap or other suitable detergent, nail brushes and clean towels or other suitable drying facilities.

(4) Every wash-hand basin provided for the purposes of this section shall be kept clean and every working part thereof shall be kept clean and in efficient working order.

(5) The wash-hand basins and other working facilities provided for the purposes of this section shall not be used for any purpose other than for securing the personal cleanliness of the user.

(6) The food referred to in subsection (1) of this section in relation to a food building is food which is not so packed, or the packing of which is not in such a state, as to prevent any part of the food from coming into contact with any surface which the package may touch.

First-aid
materials to
be provided.

20. Subject to the provisions of section three of this Order and of any certificate of exemption there shall be provided and maintained at all food premises, at every stall, on every delivery vehicle and in every food building suitable and sufficient bandages, dressings (including water-proof dressings) and antiseptics for first-aid treatment of persons engaged in the handling of food in or about those premises, or stall or delivery vehicle or building and such supply shall be kept in a place readily accessible to those persons.

Accom-
modation for
clothing etc.

21. (1) Subject to the provisions of any certificate of exemption there shall be provided and maintained in all food premises where open food is handled suitable and sufficient accommodation for outdoor or other clothing and footwear not worn during working hours by persons engaged in the handling of

food in or about those premises; and such clothing or footwear shall not be kept in any place on or about the premises other than in the accommodation so provided.

(2) Where the accommodation required for the purposes of the last preceding subsection is situated in a food room it shall be in the form of lockers or cupboards.

22. (1) Subject to the provisions of section three of this Order there shall be provided and maintained on all food premises where open food is handled and subject to the provisions of the said section three and of any certificate of exemption at every stall and on every delivery vehicle sinks or other washing facilities (not being wash-hand basins provided in accordance with section nineteen of this Order) suitable and sufficient for any necessary washing of food and equipment used in the food business.

Facilities
for washing
and storing
food and
equipment.

(2) There shall be provided and maintained for every such sink or other facility an adequate supply of hot and cold water or of hot water at a suitably controlled temperature, except that a supply of cold water shall suffice—

- (a) where the facility consists of apparatus designed for the washing with a suitable bactericidal agent of only drinking vessels or only ice-cream formers or servers; or
- (b) where the sink or other facility is used only for the washing of fish, fruit or vegetables.

(3) Every such sink and other facility and every working part thereof provided for the purposes of this section shall be kept clean and in efficient working order.

(4) There shall be provided and maintained for use at every such sink or other facility—

- (a) adequate supplies of soap or other suitable detergent and of clean cloths; or
- (b) other adequate and suitable cleaning and drying facilities.

(5) Subject to the provisions of section three of this Order the layout of all food premises and subject to the provisions of the said section three and of any certificate of exemption the layout at every stall and on every delivery vehicle shall be such as to ensure that there is suitable and adequate space provided for the purpose of the removal of waste from food and the separation of unfit food in compliance with the requirements of paragraph (b) of section nine of this Order, and for the storage of any such waste and unfit food prior to disposal.

Lighting.

23. Subject to the provisions of section three of this Order suitable and sufficient means of lighting shall be provided in every food room and at every stall and in every food building and every such room, stall and building shall be suitably and sufficiently lighted.

Ventilation of food rooms.

24. Except in the case of a room in which the humidity or temperature is suitably and sufficiently controlled, suitable and sufficient means of ventilation shall be provided in every food room and suitable and sufficient ventilation shall be maintained therein.

25. (1) A food room or food building shall not be used as a sleeping place and a sleeping place shall not be used as a food room or a food building.

Food room not to be, or communicate with, a sleeping place.

(2) Subject to the provisions of any certificate of exemption a food room which communicates directly with a sleeping place shall not be used for the handling of open food.

(3) A stall or delivery vehicle shall not be used as a sleeping place, except that any driving compartment may be so used if there is a division effectively separating it from the compartment in which food is carried.

PART V

ADDITIONAL REQUIREMENTS RELATING TO STALLS AND DELIVERY VEHICLES

26. (1) Where a stall or delivery vehicle is used in the carrying on of a food business, it shall have displayed conspicuously and legibly upon it—

General requirements relating to stalls and delivery vehicles.

(a) the name and address of the person carrying on that business, and

(b) (except in the case of a vending machine) any other address at which it is normally kept or garaged, unless it bears a fleet number and is kept or garaged on that person's premises.

(2) A stall or delivery vehicle when not in use shall be stored without any food thereon except under arrangements where the food can be kept clean and free from contamination, and a stall (whether or not wholly or partially dismantled) or delivery vehicle shall not be stored in any place liable to render it insanitary or incapable of being properly cleaned.

Covering of
stalls.

27. Every stall at or from which open food other than raw vegetables is sold or exposed for sale for human consumption shall, if not in an enclosed and covered building, be suitably covered and screened at the sides and back thereof in such a manner as to prevent any mud, dust, dirt, filth or other contaminating substance from being deposited on any open food thereon:

Provided that this section shall not apply to any stall which is so designed, constructed and operated that all food thereon is completely enclosed until it is taken from its enclosure to be sold or cooked for immediate consumption.

Receptacle
for waste at
stalls.

28. (1) Every stall shall be provided with a sufficient number of suitably covered receptacles for waste trimmings, refuse and rubbish:

Provided that this subsection shall not apply to any stall in respect of which contractual arrangements exist for the removal of waste at sufficient intervals.

(2) All such receptacles shall be constructed of impervious material maintained in good condition and shall be cleaned and where necessary replaced as often as may be necessary to prevent the accumulation of obnoxious matter or the risk of contamination of any food at such stall, and all such receptacles shall be kept apart from any open food intended for sale.

(3) Every person engaged in the handling of food at or from any such stall shall place all waste trimmings, refuse and rubbish in the receptacle provided therefor.

(4) There shall be provided and maintained for every sink or other facility for washing food and equipment used on a stall a suitable and sufficient means of disposing of waste water.

29. (1) Subject to the provisions of this section, ^{Transport of meat.} the following provisions shall apply in relation to all delivery vehicles (other than vehicles used for the transport of meat consisting solely of unskinned rabbits or hares or unplucked game or poultry) used in the course of a food business for the transport of meat which is open food—

- (a) except in the case of a closed vehicle, the vehicle shall be covered by canvas or other washable material so arranged as to enclose completely that part of the vehicle in which meat is placed and, so far as is reasonably practicable, the cover shall not be allowed to come into contact with the meat;
- (b) the floor shall be impervious or fitted with movable duckboards used in such manner as to prevent the meat or its wrappings from touching the floor of the vehicle;
- (c) any receptacle or duckboard in or on which the meat is placed and such parts of any slings, implements or other equipment used for the loading or unloading of meat as come into contact with the meat or its wrappings shall be kept clean and in such good order, repair and condition as to enable them to be thoroughly cleaned;
- (d) except as provided in the next succeeding subsection, every such vehicle shall be provided with a sufficient number of suitable covered receptacles to contain separately all offal (other than skinned heads, scalded heads and offal that has not been detached from the carcase) transported in the vehicle, and these receptacles shall be constructed of impervious materials and kept clean and in such good order, repair and condition as to enable them to be thoroughly cleaned;

- (e) except as provided in the next succeeding subsection, no offal (other than skinned heads, scalded heads and offal that has not been detached from the carcase) shall be transported in any such vehicle except in the separate receptacles provided therefor:

Provided that paragraphs (a) and (b) of this subsection shall not apply in relation to the transport of meat on isolated occasions in the course of the business of a carrier if the meat is adequately protected by suitable material from the risk of contamination.

(2) Nothing in this section shall require such separate receptacles as aforesaid to be provided or used for the transport of—

- (a) packaged or wrapped frozen offal so long as such offal remains frozen hard;
- (b) giblets of game or poultry which are carried in or attached to the carcase from which they have been removed;
- (c) uncleaned tripe, uncleaned stomachs, uncleaned intestines or uncleaned feet in a vehicle in which no other meat other than offal of these descriptions is being carried;
- (d) unskinned or unscalded heads in a vehicle in which no meat other than offal of these descriptions or uncleaned feet is being carried.

PART VI

SPECIAL REQUIREMENTS RELATING TO PARTICULAR PREMISES AND PLACES AND FOOD

Condition of accommodation allocated for handling food. 30. Before permitting the use of accommodation for the discharge, movement, storage or dispatch of any food at any food building the person having the control or management of the building or res-

possible for allocating the accommodation shall, so far as is reasonably practicable, take account of the nature of the food which is to be discharged, moved, stored or dispatched and of the manner in which it is packed and shall not permit the use of accommodation which is in such a state as to expose the food to the risk of contamination.

Storage of
frozen food.

31. (1) A person shall not sell, offer or expose for sale, or have in his possession for the purpose of sale any food which is frozen unless such food has continually been kept in a chamber in which the temperature is suitably and sufficiently controlled so that such food remains frozen—

- (a) in the case of food which is frozen in the Island, from the time that it was first rendered frozen;
- (b) in the case of food which is imported already frozen into the Island, from as soon as may be reasonably practicable after such importation.

(2) Any frozen food which has not been continually kept frozen in compliance with the provisions of the last preceding subsection shall, without prejudice to any proceedings under this Order consequent upon such non-compliance, be deemed for the purposes of the provisions of section nine of the Law (Examination and seizure of suspected food) to be food which is unfit for human consumption and the provisions of the said section nine shall apply to such food.

32. The provisions of section seven, paragraphs (a) and (b) of section nine, sections ten, twelve, thirteen and eighteen of this Order shall apply in relation to premises used for agricultural activities in which is carried on the business of packing or storing of eggs, fruit or vegetables, as they apply in relation to food premises and to food businesses carried on there.

PART VII

MISCELLANEOUS PROVISIONS

33. (1) Any person who contravenes or fails to comply with any provisions of this Order shall be guilty of an offence against this Order.

(2) Without prejudice to the generality of the last preceding subsection, any person carrying on a food business or any person having the control or management of a food building shall be guilty of an offence against this Order if—

- (a) as respects that food business or that food building, any provision of this Order (other than the requirements imposed by sections ten and thirteen of this Order on persons engaged in the handling of food) is contravened; or
- (b) he fails to take all reasonable steps to secure the compliance by any person employed by him or under his control with the provisions of sections ten and thirteen of this Order.

(3) Without prejudice to the generality of subsection (1) of this section any person for the time being having the control or management of persons engaged in the handling of food, not being himself a person carrying on a food business, shall be guilty of an offence against this Order if he fails to

take all reasonable steps to secure the compliance by any person under his control or management with any provision of this Order which imposes obligations on a person engaged in the handling of food.

(4) Section forty, subsection (2) of section forty-one, and section forty-two of the Law shall apply for the purposes of this Order as if references therein to proceedings taken or brought under the Law included references to proceedings taken or brought for an offence under this Order.

Penalties. 34. Any person guilty of an offence under this Order shall be liable, on conviction, to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment and, in the case of a continuing offence, to a further fine not exceeding five pounds for each day during which the offence continues after conviction.

Extent. 35. This Order shall have effect in the Islands of Guernsey, Alderney, Herm and Jethou.

Citation. 36. This Order may be cited as the Food and Drugs (Food Hygiene) Order, 1976.

Commencement. 37. This Order shall come into force on the first day of April, nineteen hundred and seventy-six.

Dated this first day of April
nineteen hundred and seventy-six.

Allan N. Grut,
President of the States Board of Health
for and on behalf of the Board.

FIRST SCHEDULE Section one

Food not to be regarded as open food

<i>Food</i>	<i>Mode of wrapping or enclosure</i>
Butter, margarine and cooking fat.	Any total enclosure of greaseproof paper or foil.
Meat, except meat which has been cooked or otherwise prepared for sale by any similar process.	Any total wrapping of mutton cloth hessian, jute, paper or film.
Fish.	Any total enclosure of greaseproof paper or film.
Vegetables.	Any box, bag, sack, string container or pliable film pack.
Flour confectionery and bakery goods.	Any total enclosure.
Ice-cream.	Any total greaseproof enclosure of paper, foil, film, cardboard, carton, cup or similar wrapping.
Ice lollies.	Any total greaseproof enclosure of paper, foil, film or similar wrapping; or any bag made of such materials to contain the ice lolly and which may or may not be sealed at the end from which the stick or holder protrudes.

SECOND SCHEDULE

Section four (7)

Provisions relating to the issue of a certificate of exemption in respect of the carrying on of a food business, from a stall in certain cases

1. Any person, carrying on any food business from a stall in a market, who satisfies the Board that facilities corresponding to those mentioned in sections eighteen, nineteen, twenty or twenty-two ^{of this Order} are made available by the States of Guernsey for that market shall be entitled to a certificate of exemption from the requirement to provide any facility so made available.

2. Without prejudice to the provisions of the last preceding paragraph, any person, carrying on any food business from a stall, who satisfies the Board that facilities corresponding to those mentioned in sections eighteen, nineteen, twenty or subsections (1), (2), (3) and (4) of section twenty-two ^{of this Order} are provided by the States of Guernsey ^{or the States of Alderney} and are conveniently and readily available, without payment, for the use of the persons engaged in that business, shall be entitled to a certificate of exemption from the requirement to provide any facility so made available:

Provided that—

(a) in relation to any of the following classes of food business, namely—

- (i) a catering business;
- (ii) the sale of bakery goods and flour confectionery prepared at the stall;
- (iii) the sale of fried fish and chips;
- (iv) the sale of sugar confectionery prepared at the stall;

- (v) the sale of ice-cream and ice lollies prepared at the stall; and
- (vi) the sale of ice-cream which is open food,

no exemption shall be granted under this paragraph; and

- (b) in relation to any of the following classes of food business, namely—

- (i) a butcher or poulterer;
- (ii) a fishmonger;
- (iii) the sale of groceries and provisions which are open food;
- (iv) the sale of bakery goods and flour confectionery which are open food;
- (v) the sale of cooked meat and butchers' small goods; and
- (vi) the sale of sugar confectionery which is open food,

exemption may be granted under the paragraph only from the requirement to provide a facility mentioned in subsections (1), (2), (3) and (4) of section twenty-two of this Order.

3. If a business falls partly within a class specified in paragraph (a) of the proviso to the last preceding paragraph and partly within a class specified in paragraph (b) thereof, it shall be deemed for the purposes of that proviso to fall within paragraph (a); and if a business falls partly within a class specified in paragraph (a) or (b) and partly within a class not so specified, it shall, subject to the provisions of this paragraph, be deemed for the purposes of that proviso to fall within paragraph (a) or (b), as the case may be.